Carraro

A F T E R N O O N S E S S I O N

1:41 p.m.

THE VIDEO OPERATOR: The time is 1:41. We're back on the record.

Q. Ms. Carraro, you testified this morning that I believe Burson Marsteller was involved in your media training at Philip Morris. Do you know if ~~they use~~ Phillip Morris uses Burson Marsteller in connection with responding to media requests, or just in training?

A. I'm not sure what you mean.

Q. Does Burson Marsteller ever participate in helping Philip Morris respond to media requests?

A. I would say yes.

Q. Do you know if they prepare responses or assist in preparing responses to media inquiries?

A. What do you mean by a response?

Q. If there was a media inquiry in which Burson Marsteller was involved in responding to you, would they be drafting a response or delivering a response to the media on behalf of Philip Morris?

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Carraro

A. The type of involvement they would have would be, for example, to draft a press release regarding a particular announcement that we were making, and to provide copies of the press release if requested by media.

It would be unusual for them to comment on behalf of Philip Morris.

Q. Do you know if Burson Marsteller was involved in drafting any of the press releases related to the Day One broadcast or the lawsuit?

A. I have no knowledge one way or the other.

Q. Do you know if any other public relations firm was involved in drafting any press releases related to the broadcast?

A. Again, I would have no knowledge of that.

Q. Have you ever attended any tobacco industry conferences or seminars?

A. Outside of my company?

Q. Right.

A. No.

Q. Were you interviewed in connection with the interrogatories or questions that

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defendants presented to Philip Morris in this litigation?

A. I wasn't interviewed by anyone.

Q. Did you see the interrogatories that defendants served on Philip Morris?

A. I saw -- I helped in preparing the responses.

Q. To written out questions?

A. Yes. That related to my involvement.

Q. I'm not going to mark this for the record. I'm just going to show to you Philip Morris, Incorporated's answers to John Martin's first set of interrogatories. And there is a flag on the question, number 11. If you could take a look at that.

(Witness complies.)

Q. I'm going to point you to two specific areas in the answer, but you can review the question first.

MS. ROBBINS: Do you want her to read the whole answer?

Q. As long as you've read the question, I'm going to ask you a general question. Do you

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recall if you assisted in preparing the answer to question number 11?

A. I believe that I did, yes.

Q. If you could look at the second enumerated paragraph of the answer, it starts, "On February 4th, 1994, Tara Carraro returned Mr. Bogdanich's call." Did you draft that part of this response?

A. No. I did not draft any portion of the interrogatories.

Q. Did you provide information that was used to draft this response?

A. Yes.

Q. Did you review the response before it was sent out?

A. Yes.

Q. If you could look at paragraph 10 of that answer.

(Witness complies.)

Q. Tell me if you provided information that was used in drafting that response.

A. Yes.

Q. Did you review this response before it was sent out?

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Carraro

A. Yes.

MS. ROBBINS: Did you read all of 10? 10 has a number of paragraphs.

Q. I'm sorry. Let me point you to the specific text I'm referring to. It would be starting with the third paragraph of -- I'm sorry, the third sentence of paragraph 10.

"Later that day Ms. Carraro spoke with defendant Bogdanich. The substance of that conversation is set forth in a memo from Ms. Carraro to Mr. Victor Han dated March 14th, 1994, which will be produced." It goes on to say, Mr. Bogdanich faxed to Ms. Carraro a copy of the letter faxed to U.S.A. Employees in Congress and ask that Philip Morris ~~employees~~ U.S.A. authenticate it."

Did you provide that information?

A. That portion of number 10, yes.

Q. Is there any other information in -- we'll call it sub-10 of this answer that you provided?

A. No.

EXB (Carraro Exhibit 6 for identification, Philip Morris U.S.A. interoffice

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correspondence dated March 14, 1994.)

Q. The court reporter has marked as Carraro Exhibit 6 a five-page document Bates stamped PA 426549 through 552, which is a March 14th 1994 memo from you to Victor Han. Did you draft this memorandum? And attachments, I'm sorry.

A. I think mine has a page missing. The numbers I have are 49, 50, 51, 54, and then 52.

Q. There is a duplicate page that we pulled out.

MS. ROBBINS: This is not the actual form that it was produced in.

Q. This is not the form it was produced in. Let me ask you a question. The first question is, did you draft the cover memo?

A. Yes, I did.

Q. Can you look through the attachments and tell me if these were the attachments in the order they're in to the cover memo?

A. They appear to be.

MS. ESPOSITO: Just so you know, we arranged it. There was a duplicate.

MS. ROBBINS: You might want to ask

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Carraro

whether -- and I don't know the answer to the question -- whether the handwriting on this page was actually on the version that she put together.

MR. PAYTON: What I can hand you, Barbara, is the form they were produced in. You can look and see the duplication. And the handwriting is on both of the pages we're talking about.

MS. ROBBINS: Right. Clearly this is two copies of the same document.

MR. PAYTON: We've simply taken it out and put it in order.

MS. ROBBINS: That's fine.

Q. Do you recognize the handwriting on the document other than what I assume is your signature?

MS. ROBBINS: Is this on page 1?

MS. ESPOSITO: On page 1.

A. No, I don't.

Q. Was there a reason that you provided this information to Mr. Han in a memo as opposed to an E-mail?

A. He specifically asked me to write a

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memo and bring it to him in a meeting that he was in.

MS. ROBBINS: My only point, John, was that I don't know whether when this was put together by Ms. Carraro the document that you have included had this writing on it, or whether this was received by someone and the writing got onto it later. I just don't know the answer to that question.

Q. Did you attend all or part of that meeting with Mr. Han?

A. No.

Q. Do you know who Mr. Han was meeting with?

A. A large group of people.

Q. Do you remember what time of day the meeting was?

A. No, I don't recall.

Q. Can you tell me if the first page of this document, the memorandum, summarizes a conversation that you had with Mr. Bogdanich?

A. Yes, it does.

Q. Other than what's in this memorandum, do you recall anything about that conversation

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with Mr. Bogdanich?

A. Not anything other than what's here.

MS. ROBBINS: You've taken the time to read it?

THE WITNESS: The whole memo? Yes.

Q. Do you remember anything about the conversation with Mr. Bogdanich now other than what's written in this memo?

A. No, I don't.

Q. Do you recall having any discussions with Mr. Han or anyone in your department about the conversation you had with Mr. Bogdanich on this date?

A. None that I recall.

Q. Is it your practice to keep copies of memos that you write for your own files?

A. Generally, yes.

Q. Do you know if you retained a copy of this memo for your file?

A. I believe I would have.

MS. ESPOSITO: Barbara, just so you know, this addresses your concern about the handwriting. This copy on your index says it was produced from Mr. Han's files but we did not have

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a copy identified as being produced from Ms. Carraro's files.

MS. ROBBINS: We have not been producing exact duplicates. We produced all copies where there were any marginal notes. We would not have produced four more copies for everybody's files of this memo if it had no notes on it.

MS. ESPOSITO: It wouldn't have been an identical copy.

MS. ROBBINS: It's an identical copy by text. If it had no marginal notes on it and was identical in all other respects to the text, it would not have been produced, because you have the text and any copy that had marginal notes on it.

MR. PAYTON: If we have two documents that are identical except one has marginal notes, you produced only the one with the marginal notes?

MS. ROBBINS: I think that's certainly possible on the theory that -- I didn't do the physical putting together of the production -- on the theory that you have the

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document and the document with the marginal notes. I will certainly check. That's my best belief.

MR. PAYTON: I understand your concern that you didn't want to produce duplicates, and so if something existed in three persons' files and they were identical, you produced one. I understand that point, without taking issue with it at all.

If we have two documents that aren't identical, that is, one has marginal notes and one doesn't, I think we would like to have them both, because this witness, for example, doesn't recognize the marginalia because it may not be the version that she had in her files.

If she has a version in her files that's clean, we would like to see it, because it would be the version she had.

MS. ROBBINS: Maybe not. Maybe it's the version Karen Daragan had. In other words, if there were 8 clean copies in 8 different files, we would not have produced them in 8 files.

MR. PAYTON: If it is identical to the version she had, then that's one thing. If this is someone else's version because it has Victor Han's notes and in fact she's never seen

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Victor Han's notes, I'm assuming that's whose notes these are, it's a little awkward since she hasn't seen this document in this form until right now.

MS. ROBBINS: Well, I'm sure you could ask her. I know we produced another version of this that has something that says "Redaction" on it. You could certainly ask her, I'm sure she will be happy to answer, whether she's ever seen this document without the handwritten notes on it, and I'm sure she'll be happy to tell you.

I can check. I'm telling you my best sort of informed guess of what we did. But you're certainly free to ask her that question.

Q. The version of this memorandum that you prepared for Mr. Han, did it have any handwritten notes on it?

A. No, it did not.

Q. There are two documents attached to your memo. I would like you to look at the second one, which is a letter on William Campbell's Philip Morris stationery. It says, dear blank. It's a three-page letter. The

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interrogatory response that you just reviewed referred to a copy of a March 3rd letter of Mr. Campbell that Mr. Bogdanich faxed to you for authentication. Is this a copy of that letter?

A. Yes, it is.

Q. Who is Scott Rosann?

A. I have no idea who that is.

Q. You don't know of anyone at Philip Morris by that name?

A. No, I don't.

Q. Is the call summarized in the memo that we just reviewed the call you were referring to earlier that you recalled having with Mr. Bogdanich after the initial contact on February 4th?

A. Yes.

Q. Do you recall any other calls other than those two calls now?

A. No, I don't.

Q. Does your department hold regular staff meetings?

A. Not regular, no.

Q. Any staff meetings at all?

A. Occasionally.

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Carraro

Q. Were there staff meetings during the time period February '94 to March '94 time period as well?

A. I don't recall specific meetings, no.

Q. If there was a staff meeting in your office during that time period, would you have attended?

A. If it were my immediate department, the media affairs department, yes.

Q. Do you recall attending any staff meetings in which the Day One investigation was discussed?

A. Not that I recall one way or the other.

Q. I'm going to show you a page from an exhibit that was marked as Han Exhibit Number 3, and ask you to look at the flagged page, which is PA 426621.

(Witness complies.)

Q. This is a page from Mr. Han's notebook. On the top it says, "Staff meeting, 2/7," and there are four agenda points. The second one says, "Day One."

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Carraro

Do you recall attending a staff meeting on February 7th during which the Day One broadcast was discussed?

A. I don't recall one way or the other if I attended it or not.

Q. If there is a staff meeting on February 7th, 1994, would it be likely that you would have attended?

A. It would be reasonable to assume that I was there. But I couldn't say for certain.

Q. During that time frame, would it be unlikely that if you were in the office, that you did not attend the staff meeting? Were the staff meetings for everybody in the office?

A. It would be unlikely.

Q. Do you know who Vic Denoble is?

A. I've heard the name, but I don't know who he is. My knowledge of him is as a former Philip Morris employee. Beyond that, I don't know who he is.

Q. Do you recall any discussion of Vic Denoble in your department in connection with the Day One investigation?

A. None that I was involved in, no.

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Carraro

Q. Do you know who Carchman is? There is a reference in Mr. Han's notes to Carchman. Do you know who that is?

A. Are you referring to the upper right hand corner?

Q. Right in a box it says, "Carchman."

A. I can only assume that it means Richard Carchman, but I couldn't be certain that that's who Mr. Han meant.

Q. Do you know who Richard Carchman is?

A. To my knowledge he's an employee of Philip Morris.

Q. Do you know what his position is?

A. No, I don't.

Q. Do you know Mr. Carchman?

A. I've met him once, but beyond that I've had no contact with him.

Q. Did you have any discussions with Mr. Carchman that you can recall in February of 1994?

A. No, none that I can recall.

Q. Did you know him as of February 1994?

A. I believe I met him sometime in March

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of 1994.

Q. Do you recall the circumstances under which you met him?

A. I believe it was an evening -- I believe it was the evening of March 1st, actually. Mr. Parrish did what we would call a satellite media tour, and we were at -- a group of us were at the studio where he was doing this tour from.

And it's my recollection that Mr. Carchman was there, and that's where I was introduced to him.

Q. Do you know if Mr. Carchman was involved in the satellite media tour?

A. I don't believe he would have been, but I don't know for certain.

Q. Do you know why Mr. Carchman was there?

A. No, I don't.

Q. Was that in New York?

A. Yes, it was.

Q. Do you know why Mr. Parrish did a satellite media tour on March 1st?

A. No, I don't.

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Carraro

Q. Do you know what was involved in the satellite media tour, what it was?

A. It was my understanding that he would receive questions from a number of television stations around the country and respond to those questions.

Q. Is it your understanding that the tour was in response to the Day One broadcast?

A. That was my understanding.

Q. If you could look at Exhibit 3, which is the large exhibit we marked this morning, and look at the page marked PA 426991 to 993.

(Witness complies.)

A. 426991?

Q. Right. These next few pages contain media inquiries that look like they were directed to you. They all say on the top, "Media inquiry for Carraro, Tara." And they each relate to comments about the Day One broadcast.

Do you recall handling any media inquiries regarding responses to the Day One broadcast?

A. I would not have responded, but I would have returned the calls and sent out an

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E-mail.

Q. Each of these documents contains handwriting on the bottom. Is that your handwriting, the next three pages?

A. 91, 92 and 93?

Q. Right.

A. Yes.

Q. Do you recall if these were the only media inquiries that you got on that day about the Day One broadcast?

A. I don't recall one way or the other.

Q. The action taken on the first one that you're looking at says, "Placed on list of target stations for satellite media tour, station interview, Steve Parrish or S Parrish, live."

The next two say -- the next one says, "S. Parrish provided interview." The next one says "S. Parrish will provide live interview."

Do you know how Philip Morris determined who would get a live interview and who would be put on the list for the satellite media tour?

A. I have no idea.

Q. You wouldn't be making those

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decisions?

A. No.

Q. If you could look at PA 426993, which is the third page of what you're already looking at there.

(Witness complies.)

Q. On the bottom of the page there is an E-mail. It says, "A new conservative TV network called the National Empowerment Television Net is interested in having someone from PM appear on a program to discuss the FDA nicotine issue." Then there is some material that's redacted and then it says, "Please call Ellen Wilson for more information. Let me know what you decide."

Have you seen this particular E-mail before?

A. I would have seen it in order to make these notations, if that's what you mean.

Q. Do you recall if the material that is redacted, if that is a handwritten note or part of this E-mail from Mr. Borelli to Mr. Han?

A. I would have no idea.

Q. Can you please look at the page marked 427036.

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(Witness complies.)

Q. It's a handwritten note. It has a number 29 in the upper left-hand corner. It says, "Day One, ABC, 2/24/94." Is that your handwriting?

A. Yes.

Q. Do you recall writing this note?

A. I don't recall, no. I obviously did.

Q. Can you tell by looking at the document if you wrote it on the 24th of February?

A. That's the date that I put down. I don't know if that was an accurate date or if I made an error or not.

Q. Did you write this in connection with doing one of your media call reports, the weekly report?

A. I would think so, yes.

Q. If you can look at the next page, 427037, a media inquiry, a series of media inquiries that go on for several pages, all looking for comment on an FDA or reported FDA policy changes. The first one says, "The request

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is PM comment on FDA letter stating that cigarettes may fall under the jurisdiction given nicotine addiction." The next one says, "Same as above." And they're all very similar.

Do you remember talking to any reporters in connection with the FDA letter?

A. I don't recall specific instances but I certainly may have.

Q. Do you recall whether you had read the letter referenced in these media requests at the time you had received the request?

A. I did not, no.

Q. Have you ever seen the letter referenced in the media requests?

A. In preparation for my deposition.

Q. Had you ever seen them before that?

A. No.

Q. Do you know the content of the FDA letter that's referenced in these E-mails?

A. I have a general understanding of it, but I don't know specifics.

Q. How did you learn your general understanding?

A. From news reports that I read.

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Carraro

Q. Did you ever have discussions with anybody in your office about the FDA letter?

A. Not that I can recall.

Q. Were you involved in any way in communicating with FDA on behalf of Philip Morris?

A. No.

Q. I understand that FDA visited Philip Morris in March of 1994. Did you have any involvement in preparation for that visit?

A. No.

Q. Have you ever seen a draft version of the FDA letter referenced in these E-mails?

A. A draft of the letter that Dr. Kessler wrote?

Q. Yes.

A. No.

Q. Do you know if Philip Morris responded in any way to the Dr. Kessler letter of February ~~5th~~ 25th?

A. I don't know one way or the other. I'm sorry, do you mean responded to Dr. Kessler or --

Q. Responded in any way, either to

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Dr. Kessler or issuing a release in response.

A. Not that I can recall one way or the other.

Q. I may have asked you this question already, but did you ever see any draft versions of the February 25th statement that Philip Morris faxed to Day One?

A. I'm sorry, could you -- do I have a copy of that?

Q. We marked that as -- I'm not sure what the exhibit number is, but it's under a cover letter.

A. No, I have never seen any drafts.

Q. Did you see a draft to any response to Day One, to Day One's queries?

A. No.

EXB (Carraro Exhibit 7 for identification, Philip Morris U.S.A. interoffice correspondence dated February 28, 1994.)

Q. The court reporter has marked as Exhibit 7 a two-page document Bates stamped PA 420356 to 357. The first page is a February 28th, 1994 memo from Victor Han to a distribution list. And the second page is a Philip Morris

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statement dated February 28th, 1994.

Have you ever seen the statement?

A. Yes.

Q. When did you first see the statement?

A. On February 28th I was asked to fax it to a number of wire services and media.

Q. Were you involved in the drafting of the statement?

A. No, I was not.

Q. Have you seen any drafts of the statement?

A. No, I have not.

Q. Have you seen Mr. Han's cover memo before?

A. In preparation for my deposition.

Q. Not before that?

A. Not that I can recall.

EXB (Carraro Exhibit 8 for identification, Philip Morris statement, March 1, 1994.)

Q. The court reporter has handed you Carraro Exhibit Number 8, which is a two-page document Bates stamped PA 426583 to 584, Philip

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Carraro

Morris Statement, March 1, 1994. Do you recognize this statement?

A. Yes, I do.

Q. Did you participate in the drafting of this statement?

A. No, I did not.

Q. When did you first see this statement?

A. Again, I would have been asked to fax it to media.

Q. On the day it was released?

A. Yes.

Q. Did you have any discussions that you recall with anyone in your department about this statement?

A. Not that I can recall, no.

Q. I ask you the same question about the statement we just reviewed, February 28th. I don't think I asked. Do you recall any discussions with anyone in your department about the statement short of being asked to fax it to somebody?

A. No.

EXB (Carraro Exhibit 9 for

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identification, Philip Morris Responds to Allegations.)

Q. The court reporter has handed you Carraro number 9, Bates stamped PA 421013 to 020. And the first page is headed, "Philip Morris responds to allegations that the company adds nicotine to its products." Underneath that it says, "Communication/media follow-up report."

Have you seen this document before?

A. I believe I have, yes.

Q. Do you know what it is?

A. It appears to me to be a summary of Philip Morris U.S.A.'s media efforts related to the Day One broadcast.

Q. Were you involved in drafting the document or compiling the information attached to it?

A. I may have provided information for the document, but I don't believe that I drafted it, no.

Q. Is this a typical type of report put out by your department that says, "Communications/media follow-up report"?

A. In general, we would -- after a major

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effort of some kind related to the media, we would issue some type of follow-up report.

Q. Who generally drafts those?

A. It could be any number of people. Myself, Mr. McCormick, Ms. Daragan.

Q. Do you know who drafted this one?

A. No, I don't.

EXB (Carraro Exhibit 10 for identification, Philip Morris USA Statement In Response to Day One Allegations.)

MS. ESPOSITO: Off the record.

THE VIDEO OPERATOR: The time is 2:20. We're off the record.

(A recess was taken.)

THE VIDEO OPERATOR: It is 2:26. We are back on the record.

Q. The court reporter has handed you Carraro Exhibit Number 10, which is a two-page document Bates stamped PA 426558 and 559. Do you recognize the document?

A. No, I don't.

Q. You've never seen this before?

A. I don't recall.

Q. Can you tell from the format of the

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document or otherwise whether this is a draft or a final version?

A. I have no idea.

Q. Can you tell by looking at it whether it was ever released to the media?

A. Again, I don't know.

Q. Is there something, a format or a typical phrase or clause that appears on all Philip Morris statements that are actually released to the press?

A. Nothing that I could point to.

Q. Would they all have the date on them?

A. Not necessarily.

Q. Would they normally have a contact person on them at Philip Morris?

A. Generally, I would think.

Q. That's all I have for that one.

EXB (Carraro Exhibit 11 for identification, Philip Morris interoffice correspondence dated March 3, 1994.)

Q. Carraro Exhibit Number 11 is marked PA 100387 through 390, and it's a March 3rd, 1994 interoffice correspondence from William Campbell

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Carraro

to all PM New York office/Ryebrook employees, with an attached three-page letter.

Have you seen this document before?

A. Yes.

Q. Were you involved in drafting any portion of this document?

A. No.

Q. Do you know if the attached letter was actually sent to all members of Congress on March 3rd?

A. I don't know one way or the other.

Q. When did you first see the cover memo dated March 3rd, 1994?

A. When it was distributed to the employees.

Q. It was distributed to you as part of the mass distribution?

A. Yes.

Q. Do you know if anyone in your department was involved in drafting the cover memo?

A. I don't know who drafted it.

Q. Did you ever have any discussions with anyone in your department about the cover

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memo?

A. No.

EXB (Carraro Exhibit 12 for identification, Philip Morris U.S.A. interoffice correspondence dated March 7, 1994.)

Q. The court reporter has marked as Carraro Number 12 a March 7th, 1994 memo from you to distribution list with some attached articles. Do you recognize the document?

A. Yes.

Q. Did you draft the cover memo?

A. Yes.

Q. Did you draft this as part of your normal responsibilities or did somebody specifically ask you to draft the memos and attach the articles?

A. I don't recall.

Q. Do you typically draft cover memo and circulate press coverage around the office?

A. Yes.

Q. Was that part of your responsibilities in February, March 1994?

A. Yes.

Q. Is it still part of your

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responsibilities?

A. It wouldn't be part of my regular job responsibilities, but if an article -- if I come across an article that I think would be of interest I will circulate it.

Q. Do you cover certain papers, or just as you come across something you would attach it?

A. As I come across something.

Q. Do you get delivered to you on a daily basis or weekly basis articles or complete newspapers from different services?

A. Our department at the time had a service called Burrelle's that delivered -- I don't know what the frequency was, but delivered articles from newspapers.

Q. Did they deliver just articles or entire day's papers?

A. The clipping service just delivered articles. I also have subscriptions to several newspapers.

Q. What types of articles did they provide?

A. Articles pertaining to Philip

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Morris's business or any industry issues in general.

Q. Do you know what newspapers the service covered?

A. A large number. I don't know what they are.

Q. Did Philip Morris pick the newspapers or does the service cover a standard number of newspapers?

A. I don't know.

Q. In your distribution, do you generally include both positive and negative press pieces?

A. Yes.

Q. How did you decide, if you recall, for this particular memo and attachments, to whom to distribute the articles?

A. I don't remember.

Q. There is a distribution list at the bottom. It says, "Corporate affairs." Does that mean the corporate affairs department, just send one copy to the department?

A. I believe that would have meant to distribute one copy to each member of the

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department.

Q. Are any of the people that appear below members of the corporate affairs department?

A. Not of Philip Morris U.S.A.'s corporate affairs department.

Q. So it's corporate affairs plus all of these people underneath?

A. Correct.

Q. Why did you send this, if you recall, to Richard Carchman?

A. I don't recall why I would have put him on the list.

Q. Is he generally on the list for the clippings you circulate?

A. Not unless I believe it would be of interest to him.

Q. As of this date, March 7th, 1994, which I guess was about a week after you met Mr. Carchman for the first time, do you know why you would have thought these particular articles were relevant for Mr. Carchman?

A. No. I don't know if I was told to send it to these people or if I just sent it to

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them.

Q. Do you know who D. Dennis is?

A. I believe that would refer to a woman by the name of Darienne Dennis.

Q. And who is she?

A. She is in the corporate affairs department of our parent company.

Q. Is she in New York?

A. Yes.

Q. Who is B. Holt?

A. That's Barry Holt.

Q. And who is he?

A. He's the vice president of corporate communication, I believe is his title, for Philip Morris Management Companies.

Q. What about J. Jones?

A. Judy Jones is -- I don't know her title but she works in the Richmond office, Philip Morris Richmond office.

Q. M. Kenny?

A. Mike Kenny.

Q. Who is that?

A. He works in, I believe, investor relations for corporate.

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Carraro

Q. H. Millington?

A. Hovie Millington. He works with Mike Kenny.

Q. J. Poole?

A. His name is Jay, and he works in the Richmond office.

Q. N. Rolli?

A. Nicholas Rolli is in financial communications for the parent company.

Q. N.C. Wall?

A. Chuck Wall. He's a lawyer.

Q. At Philip Morris?

A. Yes.

Q. What about T. Andrade?

A. Tony Andrade. He's also a lawyer.

Q. At Philip Morris?

A. At the time that this was written, I don't believe he was a Philip Morris employee.

Q. Do you know where he was employed at that time?

A. I believe it was a law firm by the name of Shook, Hardy & Bacon.

Q. Is there anything about this distribution list that refreshes your

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recollection as to why you pulled these articles together and sent them out on this day?

A. Nothing about the distribution list, no.

Q. Anything at all that jogged your memory as to why you pulled these together and sent them out on this day?

A. No.

Q. How did you come to learn that Day One was running a follow-up story on the evening of March 7th, 1994?

A. I don't remember.

Q. Do you recall discussing the follow-up story with anyone in your office?

A. I don't recall one way or the other.

Q. I ask you to look at the large exhibit, number 3, again.

(Witness complies.)

Q. Go to the page marked 426968.

A. I'm sorry, what page?

Q. 426968. Do you have it in front of you?

A. It begins with "Issued statement in response to FDA commissioner Kessler's letter"?

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Carraro

Q. Right. This is an undated -- or my copy, the copy that was produced in the litigation, doesn't have a date on it, of a media affairs activity report. Do you recall preparing this report?

A. I don't recall if I prepared it or not.

Q. The report is undated but it looks like it was prepared sometime during the week of February 28th. The first sentence refers to Dr. Kessler or Commissioner Kessler's letter that was released to the media last Friday, which was Friday the 25th.

Do you recall whether you prepared the media activities report for that week, the week beginning Monday the 28th?

A. I don't recall.

Q. If you didn't create it, who would have?

A. Perhaps Brendan McCormick.

Q. Would there be anybody else, either you or Brendan McCormick or somebody else?

A. Not usually, no.

Q. This says "Issued statement in

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response to FDA commissioner." Do you know if your department, someone in your department drafted that response?

A. I don't know.

Q. Would it be included in the media affairs activity report if it was an action taken by your department?

MS. ROBBINS: I object to the form of the question. I don't understand the question.

MS. ESPOSITO: Let me rephrase the question.

Q. Would the media affairs activity report issued by your department contain an entry for something that someone other than a member of your department did that week?

A. It may have.

Q. Did other departments communicate with you and provide information for the media affairs activity report?

A. It may be something that we did in conjunction with another department. But I couldn't say for certain.

Q. Would it appear in the media affairs activity report if your department had nothing to

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do with it at all, with releasing or drafting this statement?

A. Not generally, no.

Q. The next bullet point on this page says, "Drafted response to Day One program which accused tobacco companies of manipulating nicotine levels in cigarettes."

Did you draft that entry?

A. Not that I can recall.

Q. Do you recall having a discussion with anybody about how this entry should read?

A. I don't recall.

Q. Do you recall where the information came from for this report?

A. I don't.

Q. Did you ever draft any kind of memo or E-mail summarizing or analyzing the Day One broadcasts that are at issue in this suit?

A. Not that I can recall one way or the other.

Q. Have you seen the broadcast?

A. I saw it last year.

Q. Did you see it when it was aired the first time?

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Carraro

A. I don't recall if I saw it when it actually aired or the following day.

Q. Have you ever seen any documents in your department summarizing the Day One reports?

MS. ROBBINS: Day One broadcasts?

MS. ESPOSITO: Day One broadcasts.

A. Nothing that I can recall right now.

Q. Have you ever seen, other than documents we've looked at today, have you ever seen any document that characterizes or summarizes the Day One broadcast, other than publicly available information?

MS. ROBBINS: That's a pretty broad question. Something written by her department, something --

MS. ESPOSITO: Let me rephrase it.

Q. Have you ever seen any document created by Philip Morris that characterizes the Day One broadcasts other than what we've looked at today?

A. Not that I can recall.

MS. ROBBINS: I'm going to object. I think it's a very broad question. I don't know what you mean by "characterizing." I think it's

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unanswerable.

Q. Let me ask you another question. Have you ever seen a document created by someone in Philip Morris that summarizes the Day One broadcasts other than the documents we've looked at today?

MS. ROBBINS: Again, I have the same objection. She hasn't even been through every document that's in here. But she can try to answer it.

A. Again, nothing that I can remember.

Q. Have you had discussions with people in your department about the Day One broadcasts after the broadcasts?

A. I believe that I must have.

Q. Do you remember the substance of any of those discussions? That's broad. Let me rephrase.

Do you remember any particular conversations with anyone in your department about the Day One broadcasts?

MS. ROBBINS: I thought you were referring to the February 28th broadcast.

A. So did I.

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Carraro

Q. Do you know which broadcasts are involved in the lawsuit? Has anybody told you that?

A. My understanding is that it was the February 28th broadcast.

Q. When I'm referring to broadcasts, I'm referring to the February 28th broadcast and the broadcast that summarized that broadcast, when I'm referring to "broadcasts," plural.

Do you still have before you the E-mail exchange that we marked as Exhibit 2, I believe?

MS. ROBBINS: 4 or 2? Is that what you mean?

MS. ESPOSITO: That's what I mean.

MS. ROBBINS: 4.

Q. If you would look at pages 8 and 9 of Exhibit Number 4, there is an E-mail on those pages --

A. I'm sorry, do you mean the pages at the top or the bottom?

Q. I'm trying to use the page numbers on the top.

A. 8 and 9?

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Carraro

Q. There is an E-mail dated March 3rd, 1994, from Victor Han to Ellen Merlo and Steve Parrish. It's cc'd to you and it carries over onto the next page. Do you have that one in front of you? Do you recall receiving this E-mail from Mr. Han?

A. I don't recall receiving it, but it obviously was sent to me.

Q. Have you seen it before? Do you recall having read it before?

A. No, I don't.

Q. Mr. Han refers to a meeting with Chuck, Tony A., Carchman, and Buffy on the phone from Washington. Did you attend the meeting that Mr. Han is referring to here?

A. No.

Q. Did you have any discussions with Mr. Han about this meeting?

A. No.

Q. Do you know what meeting this refers to?

A. No.

Q. Two paragraphs down, Mr. Han refers to a meeting that he is setting up for 8:30 a.m.

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on Tuesday with the same cast of characters as last time. Do you know what meeting that refers to?

A. No, I don't.

Q. During this time frame, early March 1994, do you recall attending any meetings with Mr. Han and others relating to the February 28th broadcast or the March 7th broadcast?

A. No, I didn't attend any meetings.

Q. There is a reference here to the 9th floor conference room. Is that in your offices? Can you tell? Is there something commonly known as the 9th floor conference room?

A. There are a number of conference rooms on the 9th floor. I don't know if this refers to a specific room or not.

Q. Do you recall in this time frame, early March, that these meetings were going on with Mr. Han and the people mentioned in this E-mail?

MS. ROBBINS: You mean the meetings mentioned in the E-mail?

MS. ESPOSITO: Yes.

A. No.

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Q. Do you recall any meetings with Mr. Han and others in your office about the Day One broadcasts that you didn't necessarily attend but that you knew of?

A. The only one that I knew of was the meeting that I was asked to walk my memo to Mr. Han in.

Q. And that was March 14th? Or is that correct?

A. Yes.

Q. You didn't know of any other meetings going on relating to the Day One broadcasts?

A. Not to my knowledge.

EXB (Carraro Exhibit 13 for identification, Philip Morris U.S.A. interoffice correspondence dated March 4, 1994.)

Q. The court reporter has marked as Exhibit 13 a March 4th, 1994 memo from Victor Han to distribution list. Have you ever seen this memo before?

A. No.

Q. The memo references a March 8th meeting at 7:30 a.m. Do you recall whether that meeting took place, if you know?

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Carraro

A. I have no idea.

Q. You didn't attend a meeting on that day at 7:30 a.m.?

A. No.

EXB (Carraro Exhibit 14 for identification, Philip Morris U.S.A. interoffice correspondence dated March 8, 1994.)

Q. Exhibit Number 14 is a document marked PA 426574 through 582. It's a March 8th, 1994 letter from William Campbell to all Philip Morris New York office/Ryebrook employees.

Have you seen this document before?

A. Yes, I have.

Q. When did you see it?

A. I believe that I may have drafted a first copy of it.

Q. Of the cover memo?

A. Of the cover memo.

Q. For Mr. Campbell's signature?

A. Yes.

Q. Do you specifically recall drafting a version of this?

A. I don't specifically recall it, but it looks very familiar.

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Carraro

Q. Does your department often draft letters for Mr. Campbell's signature?

A. The editorial services portion of our department would draft correspondence from Mr. Campbell on a regular basis.

Q. What about your division? Is it unusual for your division to draft letters for Mr. Campbell's signature?

A. For the media affairs group it would be unusual.

Q. Do you know why the media affairs group drafted this particular memo for Mr. Campbell's signature?

A. I don't recall why.

Q. After Mr. Campbell's initials on the bottom, WIC/MM, do you know who MM is?

A. That would have, I believe, referred to his secretary.

Q. Do you know his secretary's name?

A. At the time her name was Maureen McCormick, I believe.

Q. Can you turn to the next page? A two-page statement dated March 7th. Were you involved in drafting that statement?

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A. No, I wasn't.

Q. Do you know who drafted the statement?

A. No, I don't.

Q. Do you know if it was somebody in your department?

A. I don't know.

Q. The next document attached to this is a three-page letter from Covington & Burling to Richard Wall at Cap Cities/ABC. Have you seen this letter before?

A. Yes, I have.

Q. When did you first see this letter?

A. I believe it would have been in putting together this memo, this memo plus the group of attachments.

Q. Did you ever see this letter in draft form, that you recall?

A. No.

Q. Do you recall whether you drafted a first draft of this memo on your own or whether it was with somebody's assistance?

A. My best recollection is I drafted a first draft that was then edited by someone

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Carraro

else.

Q. Do you recall whether the first draft differed from this draft?

A. I don't recall how it differed, but it's my best recollection that it was edited, so I would have to assume that it differed slightly.

Q. Did you save a draft of the first cut of this memo?

A. I don't believe I would have, no.

Q. When you draft memos, or if you recall specifically to this memo, do you draft it directly onto the word processor?

A. Generally.

Q. And do you save drafts in electronic form? In other words, do you save over them when they're edited or do you save earlier drafts?

A. I save right over them.

Q. The first line of this memo says, "Last evening, ABC's Day One program aired yet another misleading and inaccurate report on the tobacco industry." Do you recall if you drafted that or if that was edited into this memo?

A. I don't recall what portions I would

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have drafted and what portions were edited.

Q. You don't recall drafting this sentence?

A. One way or the other, no.

Q. The next sentence says, "Like last week's report on nicotine, this week's report on cigarette ingredients was based on sensationalism rather than the facts." Do you recall drafting that sentence?

A. Again, I don't recall one way or the other which sentences I drafted and which ones were edited.

Q. Can you just read -- can you read them to yourself, the next couple of sentences, and see if they strike you as anything you drafted.

(Witness complies.)

A. Again, I have a basic recollection of writing a draft of this memo, but it was edited. So I couldn't distinguish between what was my original work and what was edited.

Q. Who edited it?

A. To the best of my recollection, it would have been Ellen Merlo.

Q. Do you recall anyone else being

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Carraro

involved in the editing process?

A. Not at this time.

Q. Did you work directly with Ellen Merlo or was there somebody working in between the two of you?

A. In this particular instance I believe that I worked directly with her.

Q. At this point in time, let's cover the period February to March, 1994, was Ms. Daragan your immediate supervisor?

A. Yes.

Q. Who is your immediate supervisor now?

A. Ms. Daragan.

Q. It hasn't changed in between, it has always been Ms. Daragan?

A. Correct.

EXB (Carraro Exhibit 15 for identification, Philip Morris U.S.A. interoffice correspondence to all Philip Morris U.S.A. Employees, dated March 8, 1994.)

Q. The court reporter has marked as Carraro 15 a March 8th, 1994 letter from William Campbell to all Philip Morris U.S.A. employees. Do you recognize that document?

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Carraro

A. I have seen it before.

Q. Did you participate in drafting this memo?

A. No, I didn't.

Q. Although this particular memo I believe was produced to us without an attachment, it refers to "The attached letter issued to the media last evening." Do you know what letter that was?

A. I don't specifically recall. I have a general recollection that one of the statements that we issued to the media had a letter attached to it. I don't recall what letter that was.

Q. The exhibit we just looked at, I don't know if you still have it in front of you, but I think it was number 14, has attached to it a press statement and a letter. It's dated the same day.

Do you recall whether the two cover memos from William Campbell had the same attachments to them?

A. I couldn't say. I'm sorry. You're asking if this memo dated March 8th had these attachments?

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Q. Right. So the record is clear, I'm asking whether the memo marked PA 426820 had the same attachments as the memo marked 426574 that we just looked at.

A. I don't know.

Q. When did you first see the memo addressed to all Philip Morris U.S.A. employees?

A. I believe it would have to have been when it was distributed.

Q. Do you recall getting two memos, a memo directed to all Philip Morris New York office employees and to all Philip Morris U.S.A. employees?

A. I don't recall one way or the other.

Q. Do you know why the text of these two memos is different, in other words, why all employees weren't sent the same version of this letter?

A. No, I don't.

Q. Do you ever recall being asked to draft a version of the memo to all Philip Morris U.S.A. employees?

A. No, I don't.

EXB (Carraro Exhibit 16 for

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Carraro

identification, chronology of materials provided to ABC's Day One.)

Q. Exhibit Number 16 is headed "Chronology of materials provided to ABC's Day One," and it covers the Bates range PA 100377 through 386. Do you recognize this document and the attachments?

A. I believe that I may have seen it in preparation for my deposition.

Q. Do you recall ever seeing it before that time?

A. I don't believe so, no.

MS. ROBBINS: Except for the first page of this document, all the documents attached are documents you have already showed Ms. Carraro.

MS. ESPOSITO: That's right. This is a compilation, apparently pulled together by someone, of documents that we've already looked at today.

A. Just to clarify what I meant, I've seen some of the individual documents within this, but I don't recall ever seeing this as a group with this cover note on it.

Q. I understand that. I should have

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Carraro

been more clear in my question. What I was asking is whether you had seen them compiled like this, with this cover page.

A. No.

Q. Do you know who pulled the materials together?

A. No.

EXB (Carraro Exhibit 17 for identification, 3/14/94, For Your Information, 3/14/94, Stephen C. Parrish.)

Q. Exhibit 17 is a two-page document, PA 100403 to 404, a cover note that says "To Vic Han," and the attachment is a March 14th, 1994 letter from Steve Parrish to Walt Bogdanich. Have you seen this document before?

A. Yes.

Q. When?

A. Preparing the interrogatory responses.

Q. Had you seen it before that time?

A. No.

Q. Do you understand this letter to be a response to the questions that Mr. Bogdanich presented to you on March 14th, 1994?

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Carraro

MS. ROBBINS: I don't understand your question. Presented to Ms. Carraro?

Q. I'm sorry. I thought you had testified earlier that you had a conversation with Mr. Bogdanich on March 14th, 1994 in which he asked you to verify a letter and comment on several things. I'm asking if this was a response to that request.

MS. ROBBINS: The request in the March 14th Carraro memo? Okay. Now I understand.

A. I don't know if it was intended to be a response to those specific questions or not.

Q. Do you recall learning on March 14th whether or not Mr. Bogdanich's request to you was responded to?

A. I don't know one way or the other.

Q. The next thing I want to show you I'm not going to mark as an exhibit. It has been marked at the deposition of Mr. Han as Han Exhibit Number 9. And I flagged it here with a blue flag. Can you just take a look at that information behind that tab and tell me if you have seen it before?

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Carraro

A. This tab that says "BL plant flow diagram"?

Q. Just everything behind tab number 9. That entire compilation was marked as Han Exhibit Number 9.

A. I've never seen any of this.

Q. That's the only question I wanted to ask.

EXB (Carraro Exhibit 18 for identification, Worldwide Leadership Conference.)

Q. Carraro Exhibit 18 is a one-page document Bates stamped PA 283539. Have you ever seen this document before?

A. No, I haven't.

Q. Do you recognize the handwriting on that document?

A. No, I don't.

Q. Do you recognize the term, it looks to me like "nicotine fact hit," in the second line down?

A. No, I don't.

Q. There is a reference at the bottom of this document that says, "Reduced nicotine level draft." Do you know what that is referring to?

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Carraro

A. No, I don't.

Q. That's all I have on that one.

EXB (Carraro Exhibit 18 for identification, Philip Morris U.S.A. interoffice correspondence dated April 14, 1994.)

Q. Carraro Exhibit Number 19 is marked PA 100053 and 054. It's a two-page memo from William Campbell to all PM U.S.A. employees and to all NYO, which I assume is New York office, and Ryebrook employees.

Have you seen this memo before?

A. Yes, I have.

Q. Do you recall when you first saw it?

A. I believe it would have been when it was distributed to New York office employees.

Q. Did you participate in drafting the memo?

A. No, I didn't.

Q. Do you know if anyone in your office participated in drafting the memo?

A. I don't know.

Q. On the first page of the memo, there is a reference to, and this is in paragraph 3, an independent safety assessment was conducted by

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Carraro

six renowned scientists who found, and I quote, the ingredients added to tobacco in the manufacturer's cigarettes by the six major U.S. manufacturers are not hazardous under normal conditions of use.

Do you know what safety assessment this is referring to? Are you familiar with any such safety assessment?

A. I'm familiar with the safety assessment that was distributed in conjunction with a list of ingredients found in cigarettes.

Q. When you say "distributed," you mean released publicly?

A. Yes.

Q. Are you familiar with any other safety assessment that would fit this description?

A. None that I'm familiar with, no.

Q. Can you look for a moment back at Exhibit Number 4, which is the ten-page E-mail exchange. It's page 9 of the document in the upper right hand corner. It's actually a carryover E-mail, that I want you to look at.

It's Victor Han's March 3rd E-mail to

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Carraro

Ellen Merlo and Steve Parrish with a copy to you as recipient. The fourth paragraph of the E-mail says, "The only other thing is we have five scientists who have reviewed all data and signed a strong statement saying there are no ingredients in our product that pose a threat to human health."

Do you know if this refers to the same statement that Mr. Campbell's April 14th memo refers to?

A. I don't know.

Q. Are you aware of any statement signed by five scientists that fits the description in Mr. Han's E-mail?

A. None that I'm aware of.

Q. That's all I have on that ~~1st~~ last exhibit? 19

EXB (Carraro Exhibit 20 for identification, Issues in Perspective.)

Q. Carraro 20 is a series of what looks like draft advertisements. They're not consecutively Bates stamped. I Can read into the record the Bates ranges. They're PA 420106 through 111; 421564 through 570; and 426555

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through 56. Have you seen any of these draft advertisements before?

A. I've seen a version of 420111. However, I couldn't say whether -- the one here, if this is a draft or a final version, I don't know.

Q. When did you see that one?

A. This looks like an ad that we -- that Philip Morris U.S.A. ran, either the day of or the day after Mr. Campbell testified before Congress.

Q. Do you recall seeing that ad in draft form before it was actually published?

A. No.

Q. Are you involved in drafting any of these types of advertisements?

A. No.

MR. PAYTON: Ask her if she speaks that language.

MS. ROBBINS: Or what language it is.

Q. Do you know if anyone in your department is involved in drafting these types of ads?

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A. I don't know. Is there -- my numbers skip from 09 to 011. Am I missing something?

Q. That was my mistake. They're not supposed to be consecutive. There is a cover memo on what's 111, a copy of a post-it or something.

That's all I have on that exhibit.

MS. ESPOSITO: Please mark that as 21.

EXB (Carraro Exhibit 21 for identification, for immediate release, March xx, 1994.)

Q. Exhibit 21 is a two-page document Bates stamped PA 283595 and 596. On the top it says, "Draft." And the heading is "Philip Morris attacks ABC for tabloid journalism; releases ingredient list."

Have you seen this document before?

A. No, I haven't.

Q. Do you know if anything like this was -- a version of this was released by Philip Morris?

A. No, I don't.

Q. Do you know if anyone in your

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department participated in drafting this?

A. I don't know.

Q. Let me show you a series of documents that were marked at Karen Daragan's deposition. I just want to ask you a general question, which is, have you seen them before, and if the answer is no, I'm not going to mark them. If the answer is yes, I may. These were marked as Daragan Exhibit 16, and there are, I believe, four -- actually three individual letters behind one tab as Daragan 16.

Can you tell me if you've seen any of those before?

A. I haven't seen them.

Q. You never saw any of them before? Okay. I'll take the exhibit book back. I'm not going to mark them.

Have you seen what's called the amended motion for judgment, which is the complaint that's been filed in this case?

A. I haven't read it but I've seen a copy of it.

Q. When did you see it?

A. I believe it was in the press kit

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that Philip Morris sent out regarding the lawsuit.

Q. Were you involved in any way in preparing the amended motion for judgment?

A. No.

Q. Were you involved in any discussions within Philip Morris regarding whether or not Philip Morris would sue ABC?

A. No.

Q. Did you play any role in preparing for the March 24th press conference?

A. No.

Q. You didn't prepare any questions and answers or press releases in connection with that press conference?

A. I was out of town on business for the whole week of that.

MS. ESPOSITO: Off the record.

THE VIDEO OPERATOR: The time is 3:24. We're off the record.

(A recess was taken.)

THE VIDEO OPERATOR: It is 3:27. We're back on the record to end tape 2 of the deposition of Tara Carraro. It's 3:27. We're

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off the record.

(A recess was taken.)

THE VIDEO OPERATOR: Today is April 19, 1995. This is the beginning of tape 3 of the deposition of Tara Carraro. It is 4:32. We are on the record.

Q. Ms. Carraro, I have no new exhibits to mark but I have several questions about several pages in what we've marked as Carraro Exhibit Number 3. Can you look at that exhibit?

(Witness complies.)

Q. If you can turn to the page marked 426971, which is a media affairs call report dated 2/25/94 to 3/4/94, pages of this report I think were produced to us out of order, so 971 and 972 seem to be the first and third pages, but 994 seems to be the second page.

A. I'm sorry. I'm on page 426971.

Q. And 972 seems to be the third page of that report. And I think there's a page missing in between. And I think that page is 426994.

MS. ROBBINS: What do you think is the one in between, Denise?

MS. ESPOSITO: 426994.

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Q. Does that appear to be the second page of that report?

A. I would think so. I'm not positive, though.

Q. Do you know --

A. The dates run in consecutive order.

Q. Do you know if you prepared the report for this week?

A. I couldn't say for certain.

Q. The first page of the report, under "Highlights," there is an entry that says "ABC's Day One, on Monday, February 28, the program ran a piece alleging that tobacco companies add nicotine to their products in an effort to addict consumers." It goes on to talk about media requests generated in response to that.

Do you remember preparing this entry?

A. I don't recall one way or the other if I drafted it or not.

Q. It goes on to say, "A statement was drafted on March 1 which responded to these claims, again denying them and likening Commissioner Kessler's suggested actions to a

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reinstatement of prohibition."

Do you know what statement that refers to?

A. The March 1 statement?

Q. I want to know if this refers to the March 1 statement that we've marked or some other statement.

A. I believe it refers to the March 1 statement that we've marked.

Q. Do you know of any other statement released on March 1?

A. No.

Q. I'm done with that call report. And if you could look at PA 426964, which is a media affairs activity report that does not have a date on it --

A. I'm sorry, 42 --

Q. 426964. It's just headed "Media affairs activity report," with no date. Do you have that in front of you?

A. It has "FDA" on the left-hand side?

Q. Right. The entry said, "Developed release in response to Day One programs. Release was faxed to wire services, key media contacts,

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and in response to inquiries."

Do you know what statement this refers to?

A. I couldn't tell without there being a date.

Q. Can you tell from looking at this document what week's report this is?

A. Judging from the order of the other documents, I believe it may be from a report of March 11th, 1994 to March 18th, 1994. But I don't know if these were given to you in the correct order. I mean, that's the sequence that it appears in.

Q. That's all I have on that report. If you can turn to 426959, it's a media inquiry dated 3/14/94. We've already talked about this inquiry. It seems to reflect Mr. Bogdanich's conversation with you in which he requests verification of the William Campbell letter in addition to a couple of other things.

My question for you is whether this is your handwriting on the bottom of the document here.

A. Yes, it is.

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Carraro

Q. The action taken says, "Verified authenticity of WIC letter and," and then three question marks. Do you know if there was any other action taken?

A. No. That's why I would have put question marks, because I guess at the point that I wrote this, I was informed that the authenticity of the letter had been verified. However, I did not know what action was taken with regard to the other requests.

Q. The request for comment on Steve Parrish's appearance on Nightline and the response to Congressman Waxman's call for a civil inquiry?

A. That's correct.

Q. If you could turn to 426948, which is the media affairs call report from that week, the week beginning March 11th and ending March 18th, and tell me if you prepared that report.

A. 426948?

Q. Right.

A. I believe that I may have drafted this.

Q. The entry on the bottom for 3/14 lays

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out the three inquiries from Mr. Bogdanich and then the action taken again says, "Verified authenticity of WIC letter and," blank. Do you know if there was an entry typed in there that has been redacted, or did that stop there?

A. I don't know.

Q. Would it make sense that the document we just looked at that said "Verified authenticity letter of WIC letter" and question mark, would it make sense that you didn't complete the entry here because you didn't have the information?

A. I may not have completed it, but someone who would have edited it after me should have filled in the appropriate information.

Q. Does this appear to be a draft version to you?

A. Not to my knowledge.

Q. Do you know if you've ever seen a version of this document with a complete entry for action taken under the 3/14 request?

A. Not that I can recall one way or the other.

Q. Can you tell what date this report

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was prepared? Would it be either 3/18 or shortly thereafter?

A. Approximately, but I couldn't be certain.

Q. Can you turn to 426961 to 62, to the two-page E-mail from you to Karen Daragan and others dated March 17th, 1994. Do you recognize that E-mail?

A. Yes.

Q. Did you draft that E-mail?

A. Yes.

Q. The media request actually appears on the second page of that E-mail. It say "Mr. Phillips has heard of a new cigarette. Perhaps it is merely a prototype at this point, which is half the length but contains the same amount of nicotine as a normal cigarette. The idea is that smokers forced to smoke outside are on short breaks." Do you recall receiving this media inquiry?

A. No.

Q. Do you recall talking to a reporter about a cigarette that's half the length but contains the same amount of nicotine?

A. No.

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Carraro

Q. Typed into the E-mail instead of being handwritten is an entry that says, AT: this has been the subject of speculation in the press for quite some time and has never been confirmed. It is simply rumor and speculation. As a matter of policy we do not comment on rumor, outside speculation, no matter how erroneous it may be."

Can you tell if you typed that entry?

MS. ROBBINS: In your question you said something about "instead of being handwritten." I don't follow your point.

MS. ESPOSITO: I'm sorry.

Q. On most of these that we've been looking at, at the E-mail, it would have "R:" in handwriting and state the request, and it would state "AT" in handwriting and state the action taken. I think this is the first we've looked at where the action taken was actually typed into the E-mail.

A. I'm sorry, what was your question again?

Q. The question was whether you actually

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entered this typewritten entry, AT, colon.

A. I believe I would have, given the note comes from me.

Q. Would this indicate that you handled the request, that you actually took the action?

A. Not necessarily. Someone else could have responded and asked me to type up the action taken and distribute it.

Q. Do you remember responding to any -- the R colon entry here says, "Comments on Marlboro Express." Do you remember any media inquiries regarding Marlboro Express?

A. In general we've had media inquiries regarding Marlboro Express.

Q. Have you spoken to any reporters about that?

A. I've returned calls from reporters who were inquiring about that.

Q. Have you ever commented on that on behalf of Philip Morris?

A. Eventually. Not at this time.

Q. Not during this time frame?

A. No.

Q. So as of March 17th, 1994, if you

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handled this, it would have just been to take the information from the reporter?

A. That's correct.

Q. Have you ever learned Philip Morris's position on nicotine addiction?

A. What do you mean by "learned"?

Q. Did you ever become aware of Philip Morris's position on nicotine addiction?

MS. ROBBINS: Does she know what it is?

Q. Do you know it?

A. My general understanding is they believe that nicotine is not addictive.

Q. Is that also your personal view?

MS. ROBBINS: I'll object to the question. I don't know why that has any relevance to this case.

Q. You can answer.

A. I don't necessarily have a personal opinion.

Q. Do you smoke?

A. No, I don't.

Q. Have you smoked?

A. No.

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Carraro

Q. Do you recall learning that Philip Morris stopped using a particular flavor package that contained nicotine in late 1993?

A. I have no knowledge of that at all.

Q. Do you know what a flavor package is?

A. No.

Q. Do you know who Jim Charles is?

A. No, I don't.

Q. Harold Burnley?

A. No.

Q. Ken Houghton?

A. I believe he is the director of a research and development area.

Q. Do you know him personally?

A. No.

Q. Have you ever had any contact with him?

A. I was introduced to him once.

Q. Do you know when that was?

A. I believe it would have been September or October of 1994, approximately.

Q. I'm not going to mark these, but your counsel produced to us today four documents.

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We've marked one of them, and there are three other documents. Barbara has read the Bates numbers into the record, so I won't.

All I want to know is whether you located these documents as a result of searching your files.

A. You mean today, or --

Q. Whether you personally located these documents, I suppose recently.

A. Not that I recall.

MS. ROBBINS: I'll tell you that she didn't, that these documents were found by lawyers when they were -- as I said this morning, that they were found by lawyers when they were working on the document production that I believe you will be receiving on Friday.

Q. The document marked Exhibit 3 that we've been looking at has in it many documents with your handwriting on them. The documents were not identified as having come from your files. And what I want to ask you is whether or not you would have forwarded documents with your handwriting on them to Brendan McCormick or whether you would have retained such documents in

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your own files.

MS. ROBBINS: Are you talking about for purposes of collection or production or whether she would in normal course forward documents with her handwriting?

MS. ESPOSITO: For any reason. I just want to find out the original source of the documents we've marked as Exhibit 3.

A. Anything with my handwriting on it would have been my original document, which I then would have given to a secretary to compile the report with, and then it would be filed in a central location.

Q. Is that central location within your office?

A. Not my personal office.

Q. But within your area?

A. Within my area that I sit.

MS. ESPOSITO: We have no further questions. Thank you.

MS. ROBBINS: I have a couple of very quick questions for the witness.

EXAMINATION BY MS. ROBBINS:

Q. This morning, Ms. Esposito asked you

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some questions about your taking some notes on reporters, when you get inquiries, and the E-mails that you write. Do you remember that?

A. Yes.

Q. I don't think the record is entirely clear, so I have some questions I would like to ask you. When in time in relation to the conversation that you're having do you actually take notes?

A. You mean when I'm speaking to a reporter?

Q. If you're having a call with a reporter, when in relation to that call do you actually take notes?

A. While I'm speaking to the reporter.

Q. During the actual conversation?

A. Yes.

Q. Do you take detailed notes?

A. Very detailed.

Q. When do you actually do an E-mail if you're going to do an E-mail?

A. Immediately following the phone call.

Q. And when you had your conversation

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with Mr. Bogdanich on February 4th, did you take notes during the conversation?

A. Yes, I did.

Q. And were they detailed notes?

A. Yes, they were.

Q. And when did you, in relation to that conversation, when did you do the E-mail?

A. Immediately following.

Q. Did you take notes of your conversation with Mr. Bogdanich on March 14th when you had your conversation with him?

A. I believe that I must have.

Q. And do you remember whether you used those notes to create the memo that you created?

A. Yes, I did.

MS. ROBBINS: I have no further questions.

CONTINUED EXAMINATION

BY MS. ESPOSITO:

Q. I just have a couple of follow-up questions to Ms. Robbins's questions.

You testified that it's your practice to take notes and immediately type an E-mail reflecting those notes. Is that your personal

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Carraro

practice or is that the practice of your department?

A. My personal practice.

Q. Do you know whether that's the practice of others in your department?

A. I don't.

Q. Do you know whether it's expected that an E-mail will be sent out about a particular conversation shortly after the conversation occurs?

A. In general, it would be expected that a note would be sent out as soon as possible following a conversation.

MS. ESPOSITO: We have nothing further. Thanks.

MS. ROBBINS: Nothing further.

(Continued on the following page.)

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Carraro

THE VIDEO OPERATOR: The time is 4:51. This is the end of tape 3 and this concludes this day's taping of the deposition of Tara Carraro. It is 4:51. We are off the record.

(Time noted: 4:51 p.m.)

Tara L. Carraro

TARA CARRARO

Subscribed and sworn to before me this 27th day of DECEMBER, 1995.

JEAN M. MAHON
Notary Public, State of New York
No. 4812992
Qualified in New York County
Commission Expires SEPT 30, 1996

Notary Public, State of New York
Qualified in New York County
Commission Expires _____ 30, 19__

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, LEE A. BURSTEN, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That TARA CARRARO, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of April, 1995.

LEE A. BURSTEN, R.P.R.

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[Ngl](comm)CARRARO **EXB**

> PAGE 21 LINE 21 . 1 MATCH

21 21 **EXB** (Carraro Exhibit 1 for
22 identification, Morning News Report.)

==> PAGE 23 LINE 19 1 MATCH

23 19 **EXB** (Carraro Exhibit 2 for
20 identification, Message for Carraro, Tara, dated
21 March 16, 1994.)

==> PAGE 25 LINE 19 1 MATCH

25 19 **EXB** (Carraro Exhibit 3 for
20 identification, Media Affairs Call Report,
21 3/21/49 to 3/25/94.)

==> PAGE 45 LINE 7 1 MATCH

45 7 **EXB** (Carraro Exhibit 4 for
8 identification, Note for McCormick, Brendan,
9 dated March 18, 1994.)

==> PAGE 82 LINE 9 1 MATCH

82 9 **EXB** (Carraro Exhibit 5 for
10 identification, Philip Morris interoffice
11 correspondence dated February 25, 1994.)

==> PAGE 105 LINE 24 1 MATCH

105 24 **EXB** (Carraro Exhibit 6 for
25 identification, Philip Morris U.S.A. interoffice
2 correspondence dated March 14, 1994.)

==> PAGE 124 LINE 18 1 MATCH

124 18 **EXB** (Carraro Exhibit 7 for

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identification, Philip Morris U.S.A. interoffice correspondence dated February 28, 1994.)

==> PAGE 125 LINE 20 1 MATCH

125 20 **EXB** (Carraro Exhibit 8 for identification, Philip Morris statement, March 1, 1994.)

==> PAGE 126 LINE 25 1 MATCH

126 25 **EXB** (Carraro Exhibit 9 for identification, Philip Morris Responds to Allegations.)

==> PAGE 128 LINE 9 1 MATCH

128 9 **EXB** (Carraro Exhibit 10 for identification, Philip Morris USA Statement In Response to Day One Allegations.)

==> PAGE 129 LINE 20 1 MATCH

129 20 **EXB** (Carraro Exhibit 11 for identification, Philip Morris interoffice correspondence dated March 3, 1994.)

==> PAGE 131 LINE 4 1 MATCH

131 4 **EXB** (Carraro Exhibit 12 for identification, Philip Morris U.S.A. interoffice correspondence dated March 7, 1994.)

==> PAGE 146 LINE 15 1 MATCH

146 15 **EXB** (Carraro Exhibit 13 for identification, Philip Morris U.S.A. interoffice

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correspondence dated March 4, 1994.)

> PAGE 147 LINE 6 1 MATCH

147 6 **EXB** (Carraro Exhibit 14 for
7 identification, Philip Morris U.S.A. interoffice
8 correspondence dated March 8, 1994.)

==> PAGE 152 LINE 18 1 MATCH

152 18 **EXB** (Carraro Exhibit 15 for
19 identification, Philip Morris U.S.A. interoffice
20 correspondence to all Philip Morris U.S.A.
21 Employees, dated March 8, 1994.)

==> PAGE 154 LINE 25 1 MATCH

154 25 **EXB** (Carraro Exhibit 16 for
2 identification, chronology of materials provided
3 to ABC's Day One.)

==> PAGE 156 LINE 9 1 MATCH

156 9 **EXB** (Carraro Exhibit 17 for
10 identification, 3/14/94, For Your Information,
11 3/14/94, Stephen C. Parrish.)

==> PAGE 158 LINE 10 1 MATCH

158 10 **EXB** (Carraro Exhibit 18 for
11 identification, Worldwide Leadership Conference.)

==> PAGE 159 LINE 4 1 MATCH

159 4 **EXB** (Carraro Exhibit 18 for
5 identification, Philip Morris U.S.A. interoffice
6 correspondence dated April 14, 1994.)

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[Ng1](comm)CARRARO **EXB**

> PAGE 161 LINE 19 1 MATCH

161 19 **EXB** (Carraro Exhibit 20 for
20 identification, Issues in Perspective.)

==> PAGE 163 LINE 11 1 MATCH

163 11 **EXB** (Carraro Exhibit 21 for
12 identification, for immediate release, March xx,
13 1994.)

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